

independent claim 13, which includes the limitations of independent claim 1 and intervening dependent claim 2. Allowance of new independent claim 13 is respectfully requested.

The Examiner has refused to issue a second non-final action in response to applicant's request despite the fact that the initial action was incomplete, and did not expressly reject or allow claims 3 and 4. Applicant respectfully requests that the Examiner reconsider this refusal, and that the finality of the present action be withdrawn. The applicant should not have to guess what rejections are applicable to what claims, and are entitled to an action in compliance with 37 C.F.R. § 1.104. The suggested informal responses to the defective action would not remedy the problem.

Claims 1, 2, and 5 – 12 stand finally rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,385,291 ("Malmanger"). This rejection is respectfully traversed and reconsideration and withdrawal are respectfully requested.

The Examiner references, without explanation, Malmanger Figure 5, plate 18, latch body 109, actuator 110, front pleat 107, 108 rear pleat 110, 114, middle section 112, pawl 116, and spring means 114.

The Examiner also responds to applicant's arguments filed in support of the Examiner's traverse of the initial rejection under Section 102(b) over Malmanger. The Examiner states that while the applicant argues that Malmanger does not disclose integrally formed spring bias means, this is clearly incorrect, since the latch mechanism is all formed of one piece. The Examiner concludes that, therefore, the actuator, spring means, and pawl are all integrally formed in the same manner as in the instant application.

The Examiner's conclusion is not correct. They may be integrally formed, but they are not formed in the same manner, to the extent that term suggests that Malmanger anticipates the presently claimed invention.

The Examiner's rejection is based on a demonstrably inaccurate reading of applicant's claims, and ignoring the claims' actual limitations.

The fact that applicant's latch is itself integrally formed is simply not relevant to the issue of whether claim 1 distinguishes over Malmanger. Claim 1 requires an actuator that includes a spring means that also must be integrally formed with the rest of the actuator, i.e. the portion of the actuator that releasably engages the frame. Malmanger simply does not have any structure that meets the limitations of this element of claim 1. If the Examiner chooses to label enough of Malmanger structure to include elements that accomplish both functions (i.e. as engaging the frame and biasing the latch) as an "actuator," then Malmanger would lack another required element of claim 1, namely a "latch body" with a central well, since the corresponding portion of Malmanger must also be part of the "actuator." Malmanger simply does not identically meet the limitations of claim 1, and the rejection should be withdrawn for this reason.

Claims 2 and 5-12 add further limitations to those of claim 1, and further distinguish over Malmanger. Since Malmanger does not meet the limitations of claim 1, the rejection should be withdrawn to the extent applicable to these dependent claims.

In addition, Malmanger does not render the presently claimed invention obvious to one of ordinary skill in the art at the time the invention was made. Malmanger provides a latch body in which the spring means is provided at the rear of the latch body, the pawl or latching means is provided at the front end of the latch body, and the operating portion or actuator, which the operator grips to open the latch, is provided between the spring means and the latching means. In the presently claimed invention, the spring means is formed with the actuator. There is nothing in Malmanger that would motivate one of ordinary skill in the art to modify the handle disclosed in Malmanger to provide the presently claimed invention.

Claims 1 - 2, and 5 - 7 stand finally rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 3,841,674 ("Bisbing"). This rejection is also respectfully traversed and reconsideration and withdrawal are respectfully requested.

The Examiner references without explanation Figure 5 of Bisbing, identify element P as a plate, element 19 as a latch body, element 10 as an actuator, element 13 as a pawl, and element 16 as a spring means.

The Examiner also responds to applicant's argument that Bisbing cannot anticipate because discrete parts are not disclosed by stating that in the present application, separate elements are not disclosed, and that the "discrete" elements are merely sections of an integrally folded sheet as in instant claim 8.

The Examiner misapprehends applicant's argument.

It is irrelevant to the issue of anticipation whether the structurally elements identified in claim 1 are discrete or merely portions of an integrally formed folded sheet. Applicant's claims recite specific structural limitations that Bisbing does not meet. The Examiner has simply ignored those limitations because applicant's disclosed embodiment is integrally formed. The Examiner backhandedly acknowledges the problem with this rejection when he references applicant's dependent claim 8 in attempting to justify this rejection. Claim 1 does not require an integrally formed sheet, and it is wrong to read limitations based on the disclosed preferred embodiment or other claims into the claims under consideration.

In particular, applicant notes that Bisbing discloses element 10 to be a latch body, element 19 to be a finger cavity, element P to be door panel, element 13 as an angled camming surface, and 16 as a resilient flexible leg. Bisbing does not identically disclose the presently claimed invention, and therefore cannot and does not anticipate it. Applicant's independent claim 1 requires that the actuator include a spring means for biasing the actuator when the actuator travels from a closed to an open position. While Bisbing's structure may include a

spring means, the Bisbing structure corresponding to the actuator required by the present claims does not include a spring means. The actuator must also extend from the latch body for releasably engaging the frame. The Examiner incorrectly identifies the finger cavity 19 as the latch body, the latch body 10 as an "actuator", the panel P as a "plate." However, even if the parts were correctly identified, Bisbing would not identically disclose applicant's invention as claimed in independent claim 1. While Bisbing's latch body includes integrally formed spring means 15 and a frame-engaging portion or "pawl" 12, Bisbing does not disclose an actuator and a latch body as required by applicant's independent claim 1. Claim 1 requires an actuator with an integral spring means, and the actuator must "extend from" a latch body. Bisbing simply does not disclose this required structure. Reconsideration and withdrawal of the rejection entered under 35 U.S.C. 102(b) over Bisbing are respectfully requested for this reason.

Applicant's presently claimed invention is also unobvious over Bisbing. There was nothing in Bisbing to suggest applicant's presently claimed invention at the time the invention was made to one of ordinary skill in the art. Although Bisbing discloses various specific ways in which to bias his slam-latch (Figs. 7-12), in each case, the biasing means is positioned at the rear of the latch body opposite the pawl, rather than being integrally formed with an actuator including the pawl. There is nothing in Bisbing to motivate one of ordinary skill in the art to modify Bisbing to realize the presently claimed invention.

Claim 3 stands finally rejected under 35 U.S.C. 103(a) as being unpatentable as obvious over Malmanger in view of U.S. Patent 2,878,389 ("Raffman"). This rejection is also respectfully traversed and reconsideration and withdrawal are respectfully requested.

The Examiner states that Malmanger is relied upon as above, noting further that Malmanger does not disclose a camming surface means to guide the latch. The Examiner states that Raffman discloses a camming means to guide the latch, referencing Figs. 1 and 4, and pin 87 and slot 88. The Examiner concludes that it would have been obvious to one of

ordinary skill in the art at the time the invention was made to have a camming means to guide the latch as taught by Raffman in the latch of Malmanger in order to allow for smooth motion and preventing the latch from binding due to unintended movement.

The Examiner's conclusion is incorrect. Raffman's pins serve a different function.

Raffman discloses a pair of slidable locks 74, 75, each of which has "a short stop pin 87 traveling in a short path within the open slot 88 in gap 73 to movement of the lock." Col. 5, lines 10-12. Contrary to the assertion of the Examiner, the stop pin 87 does not guide the movement of the lock. Instead, the pin 87 in combination with the slot 88 limits the travel of the lock 74. The lock 74 is "guided" by being confined with the hollow frame 24 (Figs. 5-9).

There is nothing in the cited art to motivate one of ordinary skill in the art to combine Raffman with Malmanger. If she did make the suggested combination, she would not arrive at the presently claimed invention. Consequently, the presently claimed invention is unobvious over the combination of Raffman and Malmanger.

Malmanger's handle 80 is limited to a reciprocal movement by a structure consisting of a pair of parallel ledges 92 extending from each sidewall 86 (Figs. 4 and 6; col. 6, lines 19-26). Travel of the handle 80 is limited rearward by the spring members 114, and forward by the front wall 88 of the hatch cover (Fig. 4). Adding stop pins 87 such as disclosed by Raffman and suggested by the Examiner would provide no function. Therefore, there would be no motivation for one of ordinary skill in the art to do so. In particular, Raffman does not disclose any camming function for his stop pins 87 and slots 88, and there is nothing in Raffman, Malmanger, nor in the combination of the two that would suggest such a function, nor any structure to implement such a function, to one of ordinary skill in the art.

Reconsideration and withdrawal of the rejection entered under 35 U.S.C. 103(a) over Malmanger in view of Raffman are respectfully requested for these reasons.

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As the application is now believed to be in condition for allowance, early favorable action and an early notice of allowance are respectfully requested.

Respectfully submitted,



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